

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOTO LTD.,
a Japanese Company, and

TOTO U.S.A., INC.,
a Delaware Corporation, and

Plaintiffs,

v.

**AMERICAN STANDARD COMPANIES
INC.,**
a Delaware Corporation,

Defendant.

Case No.: 07 Civ. 7971 (WHP)

ECF CASE

JURY TRIAL DEMANDED

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

In accordance with Rule 41(a)(1), F.R.Civ.P., Plaintiffs TOTO LTD. ("TOTO") and TOTO U.S.A., INC. ("TOTO U.S.") (collectively "Plaintiffs"), by and through counsel, hereby voluntarily dismiss their Original Complaint for Patent infringement against Defendant American Standard Companies Inc. filed on September 11, 2007. The Defendant has not yet been served with the Original Complaint. The dismissal of the Complaint without prejudice has been discussed with counsel for the named Defendant,

American Standard Companies, who has not entered an appearance in this matter since, among other things, the Original Complaint has not been formally served.

Dated: October 15, 2007

Respectfully submitted,

DARBY & DARBY, P.C.

By: s/ Steven E. Lipman
Steven E. Lipman (SL-9395)
Joseph R. Robinson (JR-9308)
Kevin L. Reiner (KR-0952)
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0042
Tel: 212.527.7700
Fax: 212.527.7701
slipman@darbylaw.com
jrobinson@darbylaw.com
kreiner@darbylaw.com

Attorneys for Plaintiffs

TOTO LTD. and TOTO U.S.A., INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

was (i) submitted to the Court's CM/ECF system on October 15, 2007 for service by the Court's Electronic Transmission Facilities, and that courtesy copies were submitted (ii) by hand to the Chambers of Judge William H. Pauley III, and (iii) by First Class Mail, postage prepaid, and by email, to counsel for Defendant, Edgar H. Haug, Esq., Frommer Lawrence & Haug LLP, 745 Fifth Avenue, New York, N.Y. 10151 (EHaug@fhlaw.com), on this 15th day of October, 2007.

s/ Steven E. Lipman
By: Steven E. Lipman (SL-9395)